

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE**

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**ZENA RAYFORD,**

**Plaintiff,**

**No. 2:08-cv-02144-tmp**

**v.**

**THE STANDARD INSURANCE COMPANY,**

**Defendant.**

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**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

Defendant, STANDARD INSURANCE COMPANY (“Standard”), by its attorneys, Warren von Schleicher of Smith, von Schleicher & Associates, and J. Gregory Grisham of Leitner, Williams, Dooley, & Napolitan, PLLC hereby submits its Motion for Summary Judgment, pursuant to Fed. R. Civ. P. 56(c), and states as follows:

1. The plaintiff, Zena Rayford asserts a claim for disability benefits pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §1001, *et. seq.* (“ERISA”).
2. Rayford obtained her disability coverage through her employer, State of Tennessee, County of Shelby, Shelby County Government under a Group Long Term Disability Insurance Policy issued by Standard.
3. Governmental benefit plans, such as that maintained by the Shelby County Government, are specifically exempted from ERISA. Rayford, therefore, fails to state a claim for benefits under ERISA. Accordingly, Standard should be granted summary judgment.
4. Moreover, because Rayford fails to state a cognizable claim under ERISA, there is no independent basis for federal jurisdiction. The amount in controversy fails to meet the jurisdictional minimum for diversity jurisdiction and Rayford’s case must be dismissed.

WHEREFORE, defendant, STANDARD INSURANCE COMPANY, respectfully requests entry of summary judgment in its favor and against Zena Rayford, dismissal of the Complaint with prejudice, and an award of its costs incurred.

Respectfully submitted,

By: /s/ Warren von Schleicher  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on June 24, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record:

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